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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,507	09/27/2001	Richard C. Chu	POU920010086US1	3327

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EXAMINER
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LEO, LEONARD R

ART UNIT	PAPER NUMBER
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3753

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/965,507

Applicant(s)

CHU ET AL.

Examiner

Leonard R. Leo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,4 and 6-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,6-13 and 17-23 is/are rejected.
- 7) ☒ Claim(s) 14-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

The amendment filed on May 13, 2005 has been entered. Claim 1 is cancelled, and claims 2, 4 and 6-23 are pending.

The indicated allowability of claims 2, 4 and 6-23 is withdrawn in view of the newly discovered reference(s) to Lian et al. Rejections based on the newly cited reference(s) follow.

#### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “plurality of vanes pivotally mounted within said frame” in claim 19 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

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be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Miller et al.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 4, 6-11 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lian et al in view of Havey et al.

Lian et al discloses all the claimed limitations except a motor disposed within the reservoir

Havey et al discloses a thermal dissipation system comprising a reservoir 20 containing coolant 40, and pump 70 with a motor therein (column 4, lines 50-52) for the purpose of minimizing the number of components.

Since Lian et al and Havey et al are both from the same field of endeavor and/or analogous art, the purpose disclosed by Havey et al would have been recognized in the pertinent art of Lian et al.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Lian et al a pump with a motor therein for the purpose of minimizing the number of components as recognized by Havey et al.

Regarding claim 11, Lian et al (column 2, lines 40-43) discloses the components are composed of copper and aluminum.

Regarding claim 18, Figure 1 of Lian et al discloses a cover.

Claims 12-13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lian et al in view of Havey et al as applied to claims 2, 4, 6-11 and 18 above, and further in view of Newman (2,029,890).

The combined teachings of Lian et al and Havey et al lacks a shroud.

Newman ('890) discloses an integrated cooling unit comprising a compressor 10 having a motor and pump therein, tubing 24 and tubular fins 28, and metal shroud 19, 20 for the purpose of guiding the airflow.

Since Lian et al and Newman ('890) are both from the same field of endeavor and/or analogous art, the purpose disclosed by Newman ('890) would have been recognized in the pertinent art of Lian et al.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Lian et al a shroud for the purpose of guiding the airflow as recognized by Newman ('890).

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lian et al in view of Havey et al as applied to claims 2, 4, 6-11 and 18 above, and further in view of Mancinelli.

The combined teachings of Lian et al and Havey et al lacks automatic vanes.

Mancinelli discloses a ventilator comprising a frame 2 enclosing a motor 36 and fan 26, and vanes 12 automatically controlled in response to the air flow (abstract) for the purpose of providing protection and backflow.

Since Lian et al and Mancinelli are both from the same field of endeavor and/or analogous art, the purpose disclosed by Mancinelli would have been recognized in the pertinent art of Lian et al.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Lian et al automatically controlled vanes for the purpose of providing protection and backflow as recognized by Mancinelli.

Claims 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chu et al in view of Miller et al.

Chu et al discloses all the claimed limitations except a motor disposed within the reservoir

Miller et al discloses a thermal dissipation system comprising a reservoir 30 containing water 64, a pump 66 and motor 52, and tubing 158, 160a and fan 42, wherein the motor is disposed within the reservoir for the purpose of providing a compact modularized device.

Since Chu et al and Miller et al are both from the same field of endeavor and/or analogous art, the purpose disclosed by Miller et al would have been recognized in the pertinent art of Chu et al.

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It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Chu et al the motor disposed within the reservoir for the purpose of providing a compact modularized device as recognized by Miller et al.

Regarding claim 23, Miller et al discloses the motor 52 is operable with the pump 66 and fan 42.

#### *Allowable Subject Matter*

Claims 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### *Response to Arguments*

Upon further review, claim 2 is rejected under Miller et al. As claimed, the device of Miller et al discloses a reservoir 30 containing water 64, a pump 66 and motor 52, and tubing 158, 160a and fan 42.

No further comments are deemed necessary at this time.

#### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

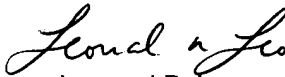
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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonard R. Leo whose telephone number is (571) 272-4916. The examiner can normally be reached on Monday thru Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Mancene can be reached on (571) 272-4930. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

  
Leonard R. Leo  
Primary Examiner  
Art Unit 3753

October 3, 2005